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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

ROBERTO CHAIDEZ,

Plaintiff and Appellant,

v.

STATE OF CALIFORNIA et al.,

Defendants and Respondents.

D051918

(Super. Ct. No. 37-2007-00066477-
CU-PO-CTL)

APPEAL from a judgment of the Superior Court of San Diego County, Matias R. Contreras, Judge. (Retired judge of the Imperial Sup. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

By a confusing, 19-page hand-written complaint, plaintiff Roberto Chaidez, proceeding in propria persona, sued defendants and respondents (1) California Western School of Law (CWSL); (2) the State of California, by and through the California Department of Corrections and Rehabilitation, the California Board of Parole Hearings (sued as and formerly the California Board of Prison Terms), the California Parole

Services Agency, Santos Sanchez (collectively the State defendants); (3) the Superior Court of San Diego County (Superior Court), Commissioner Sandra L. Berry, Judge George W. Clarke, retired Judge Richard J. Hanscom (collectively the Superior Court defendants); and (4) the Judicial Council of California (the Judicial Council). This lawsuit arises from Chaidez's claim that an allegedly "fictitious 'attorney'," whom he identifies as "A. Johnson", was appointed to represent him at a pretrial hearing in a 2002 criminal proceeding identified in the complaint as case No. SCD M866047. The complaint, which did not allege any specific counts, was titled "Civil Liability Complaint for All Damages Incurred."

CWSL, the State defendants, the Superior Court defendants, and the Judicial Council separately demurred to the complaint generally and specially on various grounds. The court sustained the demurrers without leave to amend and dismissed the action.

Chaidez appeals in propria persona, contending that in the interest of justice he should be given a "fair chance to defend his complaint as by rights and laws." We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

A. Context

Chaidez is a state prison inmate currently incarcerated at the California State Prison in Corcoran, California.¹ In the underlying criminal proceeding, Chaidez was charged with public intoxication in violation of Penal Code section 647, subdivision (f).

¹ In his reply brief on appeal, Chaidez asserts he was "[kicked] out of Donovan Prison[,] kidnapped[; and] transfer[r]ed to Corcoran."

He was arraigned on June 12, 2002, before Judge Hanscom, who, as a retired judge, had been assigned by the Judicial Council to hear the matter. Judge Hanscom remanded Chaidez to the custody of the sheriff and set the case for a readiness conference on June 25, 2002.

The readiness conference was held as scheduled on June 25, 2002, before Commissioner Berry. The court's minutes indicate that Chaidez was represented by A. Johnson and that Commissioner Berry ordered the case dismissed and Chaidez released.

On July 23, 2002, Chaidez filed a petition for writ of habeas corpus in the San Diego County Superior Court, in which he complained he was the subject of police brutality. The court denied the petition on the grounds that Chaidez had failed to show his liberty was being restrained and that he was not seeking a recognized form of habeas relief. Chaidez filed two more petitions for writ of habeas corpus, both of which were denied. In mid-December of 2002, Chaidez filed a fourth petition for writ of habeas corpus, claiming that his attorney was an imposter whose fraud was sanctioned by the court and the People. Judge Clarke denied the petition, finding Chaidez had failed to meet his burden of proof.

B. Complaint

Chaidez filed his complaint in early May 2007. Chaidez summarized the basis of his lawsuit in the first paragraph:² "I am filing this civil liability complaint for all

² Because the express allegations in Chaidez's complaint are often ambiguous and unintelligible, we quote them exactly and do not attempt to correct spelling and grammatical errors.

damages incurred by the ongoing, never ending, actions and effects connected to the governments abuse of power under the color of authority as cited by government agencies concealing the fictitious 'attorney' named 'A. Johnson' appointed to case # SCD # M866047."

Chaidez broadly alleged that "[a]ll courts, all judges, all of their agencies withheld truth and litigated decisions of which 'all used' (against me) to illegally hold me as hostage in violation of all 'those proven' facts I cited." He stated that government agencies "have knowingly 'concealed/withheld' a disgustingly, disturbing illegal systematic crime of violating Mexican-Americans by appointing 'non' attorneys illegally under the guise of a judges trust," and alleged that "Mexicans 'presume equal rights' yet violated by the fraud of that trusted guise of a whites mans court."

In his complaint, Chaidez alleged he had pursued a remedy for his grievances in the "Fourth Appellate District courts," the California Supreme Court, and the United States District Court; and he demanded the arrest of Judge Hanscom, Commissioner Berry, and Johnson (among others). Complaining that Judge Clarke "blatantly refused to produce the agency or bar licensed number of A. Johnson," Chaidez stated that Judge Clarke is a "bold face liar" and, "I demand to force the truth outta his face."

Neither the caption nor the body of the complaint specified any particular causes of action, and, although Chaidez occasionally mentioned some of the defendants in his lengthy and rambling narrative of events, he identified the named defendants against whom the complaint was directed in an attachment to the complaint titled, "Party Names and Address's [¶] Agencies (Rules of Court)." The complaint asserts a right to a jury

trial to recover "multi million dollars" in damages for what Chaidez alleges is a "reign of terror and torture by the San Diego courts system rogue immunity club members of judges and district attorneys and commissioners (etc. etc.)"

Attached to the complaint as exhibit No. 1 was a copy of a letter addressed to Chaidez, dated June 16, 2006, from Nancy J. Watson, Assistant Chief Trial Counsel, Intake Unit, State Bar of California, in which she stated: "Thank you for your recent letter/complaint regarding non-attorney, A. Johnson. Although the State Bar can take certain limited action against non-lawyers . . . , our primary jurisdictional authority is over California attorneys. [¶] You may wish to report the non-attorney's conduct to the District Attorney's Office or your local police department. [¶] We are interested in the information you provided and we will keep your complaint on file. If we need any further information about this matter, we will contact you. [¶] Thank you for bringing this matter to our attention."

Chaidez also attached to his complaint a copy of the court's minutes of the June 25, 2002 readiness conference in the underlying criminal proceeding, showing that Commissioner Berry ordered that the case be dismissed and that Chaidez be released.

Chaidez also attached to his pleading copies of two letters dated April 16, 2007, from the San Diego Superior Court Claims Division. The first letter informed Chaidez that his correspondence to the court titled "Grievance/Complaints to Presiding Judge" dated February 23, 2007, was being treated as a claim under the California Tort Claims Act; it was being returned to the extent it was based on events before August 23, 2006, because it was not presented within six months after the event as required by law (citing

Gov. Code, §§ 901 & 911.2); and it had been rejected to the extent it was based on events after August 23, 2006, his claim appeared to be based on dissatisfaction with judicial decisions and/or employee involvement in cases, and absolute immunity applies to a court acting within its jurisdiction. The second letter informed Chaidez that his correspondence to the court dated March 20, 2007, was being treated as a claim under the Tort Claims Act; it was being returned to the extent it was based on events before September 29, 2006, because it was not presented within six months after the event as required by law (citing Gov. Code, §§ 901 & 911.2); and it had been rejected to the extent it was based on events after September 29, 2006, because his claim appeared to be based on dissatisfaction with judicial decisions and/or employee involvement in cases, and absolute immunity applies to a court acting within its jurisdiction.

C. Demurrers

1. CWSL's demurrer

CWSL demurred to the complaint on the grounds it was uncertain and failed to state facts sufficient to constitute a cause of action. Chaidez did not file written opposition to the demurrer prior to the hearing on the matter.

2. Superior Court defendants' demurrers

The Superior Court defendants also demurred to the complaint on the grounds it was uncertain, and it failed to state facts sufficient to constitute a cause of action because the complaint was barred by the doctrines of judicial immunity and sovereign immunity. Judge Clarke additionally argued the court lacked jurisdiction to review his prior decision denying Chaidez's petition for writ of habeas corpus.

3. State defendants' demurrer

The State defendants also demurred to the complaint on the grounds it was uncertain, it failed to state facts sufficient to constitute a cause of action, and Chaidez had failed to allege or demonstrate compliance with the Tort Claims Act.

4. Judicial Council's demurrer

The Judicial Council demurred to the complaint on the grounds it was uncertain, and it failed to state facts sufficient to constitute a cause of action because there was nothing actionable about the Judicial Council's appointment of Judge Hanscom or its alleged refusal to satisfactorily respond to Chaidez's complaint against Judge Hanscom, and Chaidez's claim was barred by Government Code section 815.

D. Hearings and Rulings on the Demurrers

a. September 2007

In September 2007 the court heard oral argument on the demurrers brought against CWSL, the State defendants, and the Superior Court defendants.

i. CWSL's demurrer

The court allowed Chaidez, who appeared telephonically in propria persona, to argue his opposition to CWSL's demurrer although he had not timely filed any written opposition. The court sustained without leave to amend CWSL's demurrer on two grounds: (1) the complaint's failure to state facts sufficient to constitute a cause of action (Code Civ. Proc., § 430.10, subd. (e)), and (2) its uncertainty (Code Civ. Proc., § 430.10, subd. (f)). The court told Chaidez, "I don't think that even if you were allowed to amend

that you could come up with a cause of action given the information that you've presented today."

ii. *State defendants' demurrer*

The court sustained without leave to amend the State defendants' demurrer on the following grounds: (1) Chaidez's complaint was subject to a general demurrer because he failed to reference the State defendants anywhere in the body of the complaint; (2) the complaint was uncertain within the meaning of Code of Civil Procedure³ section 430.10, subdivision (f) (hereafter section 430.10(f)), because it failed to state any basis for any liability on the part of the State defendants; (3) the complaint failed to state facts sufficient to constitute a cause of action within the meaning of section 430.10, subdivision (e) (hereafter section 430.10(e)) because Chaidez failed to allege or demonstrate compliance with the Tort Claims Act, as required by Government Code sections 911.2 and 945.6, subdivision (a); (4) the complaint failed to state facts sufficient to constitute a cause of action (§ 430.10(e)) because the California Department of Corrections and Rehabilitation, the California Board of Parole Hearings, and the California Parole Services Agency were immune from suit for personal injury under Government Code sections 844.6, 845.4, and 845.8; and (5) the complaint failed to state facts sufficient to constitute a cause of action (§ 430.10(e)) because it failed to allege any grounds for the personal liability of Sanchez as to any clearly identified cause of action.

³ All further statutory references are to the Code of Civil Procedure unless otherwise specified.

iii. *Superior Court defendants' demurrer*

The court also sustained without leave to amend the demurrer brought by the Superior Court, Commissioner Berry, Judge Clarke, and Judge Hanscom, on the ground Chaidez's claims against these Superior Court defendants were barred by the doctrine of judicial immunity.

b. *November 2007 hearing and ruling on the Judicial Council's demurrer*

In November 2007 the court heard oral argument on the Judicial Council's demurrer. Chaidez appeared telephonically in propria persona. The court sustained the demurrer without leave to amend on the grounds that (1) Chaidez had not, and could not, allege any facts that would state a cause of action against the Judicial Council, and (2) Chaidez's alleged claim against the Judicial Council was barred by Government Code section 815.

LEGAL STANDARDS

"A demurrer tests the legal sufficiency of the factual allegations in a complaint."
(*Rakestraw v. California Physicians' Service* (2000) 81 Cal.App.4th 39, 42 (*Rakestraw*).)

"A demurrer can be used only to challenge defects that appear on the face of the pleading under attack; or from matters outside the pleading that are judicially noticeable.

[Citations.] [¶] No other extrinsic evidence can be considered." (Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group 2008) ¶ 7:8, p. 7(I)-7 (rev. #1, 2008), italics omitted; *Ion Equipment Corp. v. Nelson* (1980) 110 Cal.App.3d 868, 881 [court erred by considering facts asserted in memorandum supporting demurrer].)

A demurrer to a complaint may be general or special. A general demurrer challenges the legal sufficiency of the complaint on the ground it fails to state facts sufficient to constitute a cause of action. (See § 430.10(e).)

A special demurrer attacks other defects in the complaint. One basis for a special demurrer is that the pleading is "uncertain." (§ 430.10(f).) For purposes of a special demurrer based on uncertainty, the term "uncertain" includes the pleading is "ambiguous and unintelligible." (*Ibid.*) A demurrer for uncertainty is properly sustained where the complaint is so vague or uncertain that the defendant cannot reasonably respond. A demurrer for uncertainty is sustained when the complaint is drafted in a manner that the defendant cannot reasonably respond, e.g., the defendant cannot determine what issues must be admitted or denied, or what counts are directed against the defendant. (*Khoury v. Maly's of California, Inc.* (1993) 14 Cal.App.4th 612, 616; Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial, *supra*, ¶ 7:85, p. 7(I)-37 (rev. #1, 2008).)

On appeal from a judgment dismissing a complaint after a demurrer is sustained without leave to amend, we review de novo the trial court's decision to sustain the demurrer, and we review under the abuse of discretion standard the decision to deny the plaintiff leave to amend. (*Lazar v. Hertz Corp.* (1999) 69 Cal.App.4th 1494, 1501.)

In reviewing the sufficiency of a complaint against a general demurrer, this court treats the demurrer as admitting the truth of all properly pleaded material facts, as well as facts inferred from the pleadings, but not the truth of contentions, deductions, or conclusions of fact or law; and this court also considers matters that may be judicially noticed. (*Schifando v. City of Los Angeles* (2003) 31 Cal.4th 1074, 1081 (*Schifando*);

Rakestraw, supra, 81 Cal.App.4th at p. 43.) When a general demurrer is sustained, this court determines whether the complaint states facts sufficient to constitute a cause of action under any legal theory. (*Schifando, supra*, 31 Cal.4th at p. 1081; *Rakestraw, supra*, 81 Cal.App.4th at p. 43.) On appeal, the plaintiff bears the burden of demonstrating the trial court erroneously sustained the demurrer as a matter of law. (*Rakestraw, supra*, 81 Cal.App.4th at p. 43.)

In determining whether the court properly sustained the demurrer without leave to amend, this court decides whether there is a reasonable possibility an amendment could cure the pleading defect. (*Schifando, supra*, 31 Cal.4th at p. 1081; *Rakestraw, supra*, 81 Cal.App.4th at p. 43.) If we determine there is a reasonable possibility the plaintiff could cure the defect with an amendment, we conclude the trial court abused its discretion and we reverse the judgment; if not, no abuse of discretion has occurred and we affirm the judgment. (*Schifando, supra*, 31 Cal.4th at p. 1081; *Rakestraw, supra*, 81 Cal.App.4th at p. 43.) The plaintiff bears the burden of proving there is a reasonable possibility an amendment would cure the defect. (*Schifando, supra*, 31 Cal.4th at p. 1081; *Rakestraw, supra*, 81 Cal.App.4th at p. 43.)

DISCUSSION⁴

I. *CWSL'S DEMURRER*

We affirm the court's decision to sustain CWSL's demurrer on the grounds Chaidez's complaint was uncertain (§ 430.10(f)) and failed to state facts sufficient to constitute a cause of action (§ 430.10(e)), and we conclude the court did not abuse its discretion in denying Chaidez leave to amend his pleading as Chaidez has failed to meet his burden of demonstrating a reasonable possibility that an amendment could cure the pleading defects. Although Chaidez listed CWSL as a defendant in an attachment to the complaint, he did not mention CWSL in the body of the complaint, which does not allege any specific counts against any of the defendants. During the hearing on the demurrer, CWSL's counsel correctly indicated that the body of the complaint references only an unnamed "law school" at pages 10 and 13, and it is not clear that CWSL is that "law school."

Even were we to assume CWSL is the law school referenced in the complaint, the allegations do not state facts sufficient to constitute a cause of action against CWSL, and those allegations are so ambiguous and unintelligible that CWSL could not reasonably be expected to determine from the face of the complaint what counts or claims are directed against it or what issues it must admit or deny. The first ambiguous reference to "law school" is found at page 10, which states: "So I'm sueing 'them,' their agency, and or any

⁴ CWSL's unopposed motion to take judicial notice of the State Bar of California's Rules Governing the Practical Training of Law Students is granted pursuant to Evidence Code sections 452, subdivision (b), and 459.

agency of the government tied to district attorneys offices that paid taxpayers moneys to give immunity to them, to do such crimes against Mexicans under the guise of immunity authorities 'same' as judges or judges 'attorney A. Johnson' or his relative of the judge or courts somehow or student of that *law school* programs government contract ties (etc.)." (Italics added.)

The second ambiguous reference to "law school" is found at page 13, which states: "Any how the bar complaint was 'refiled' based upon that clerks comments said students??? I filed letter to *law school* 'to sued' attorneys or students named A. Johnson of case M866047 and any government ties is also applied to this case." (Italics added.)

We conclude the foregoing incomprehensible allegations are uncertain within the meaning of section 430.10(f) and do not state facts sufficient to constitute a cause of action against CWSL within the meaning of section 430.10(e).

Although Chaidez did not file a timely written opposition to CWSL's demurrer, which was therefore unopposed, the court gave him an opportunity to orally argue at the hearing any opposition he might have to the demurrer. Chaidez stated that although he had written several letters to "them," at no time had "they ever responded or denied that this person works for them or was in their school. And based upon that the whole complaint itself is about that A. Johnson who declared himself as an attorney or student." The court asked Chaidez, "What's your complaint against [CWSL?] [T]hat's what we're trying to determine." Chaidez replied: "This A. Johnson person, is he a student in that school? If he's a student in that school, he walked into a court of law and acted as an

attorney during one of the school programs. According to the court they had a school program. I got the court order, that's one of the exhibits, it has his name right on it."

The court asked again, "What's the nature of the complaint?" Chaidez replied: "The complaint is that a student, a person working for the school—at that school and that school has not responded. They admitted that I wrote, they have not responded. The Superior Court of California, that I mentioned, had stated and the attorney stated, there was a law school in back of the San Diego Superior Courthouse, that law school is [CWSL]. That student could only have come from that program, with that college, with that courthouse, I don't know, the school will not answer me. The Superior Court has never responded to this issue." Chaidez also stated, "If the college allowed him to go into courthouse and illegally sign his name as an attorney sending people to prison, holding them hostage, kidnaping, that's something very serious. I went to prison for several months for that shit."

Neither the allegations in Chaidez's complaint, nor his oral comments at the hearing, stated facts constituting a cause of action against CWSL. Furthermore, the allegations in the complaint are fatally uncertain. Even assuming Johnson was a law student sponsored by CWSL at the time of the readiness hearing in the underlying criminal proceeding, the court's minutes of that hearing, a copy of which is attached as exhibit No. 2 to Chaidez's complaint, refutes Chaidez's allegation that Johnson was somehow responsible for his incarceration. The minutes show that at the June 25, 2002 readiness conference, Commissioner Berry ordered that the criminal case be dismissed and that Chaidez be released.

Furthermore, Chaidez bears the burden on appeal of demonstrating the trial court erroneously sustained the demurrer as a matter of law. (*Rakestraw, supra*, 81 Cal.App.4th at p. 43.) Chaidez has not carried his burden. Neither his opening brief nor his reply brief addresses, with citations to persuasive legal authority, why he believes the court incorrectly sustained CWSL's demurrer. With respect to the issue of uncertainty, Chaidez states in his reply brief: "(Vicarious liability) clearly faults (CWSL) if in fact A. Johnson is working under the authority of CWSL and sent plaintiff to prison illegally you are in fact liable. [¶] Clearly states wrongful act to impersonate an attorney. On record signature." As already discussed, the readiness conference minute order attached to Chaidez's complaint refutes Chaidez's allegation that Johnson was somehow responsible for his incarceration.

With respect to the court's determination that Chaidez failed to state facts sufficient to constitute a cause of action, Chaidez states in his reply brief: "False because complaint clearly stated cause of action. And can be amended if more clarity is needed." Without showing how he could amend his pleading to cure the pleading defects, Chaidez asserts he "can plead again the malpractice intentional negligence and these constitutions." This conclusory assertion is insufficient to show Chaidez can amend his complaint to state a valid cause of action against CWSL.

In sum, we independently conclude Chaidez's complaint is fatally uncertain and fails to state facts sufficient to constitute a cause of action under any legal theory, and thus the court properly sustained CWSL's demurrer. We also conclude the court did not abuse its discretion in denying Chaidez leave to amend his complaint as against CWSL.

II. *SUPERIOR COURT DEFENDANTS' DEMURRERS*

We next affirm the court's decision to sustain without leave to amend the Superior Court, Commissioner Berry, Judge Clarke and Judge Hanscom's demurrer to the complaint, and we also conclude the court did not abuse its discretion in denying Chaidez leave to amend his pleading with respect to these defendants as Chaidez has failed to meet his burden of demonstrating a reasonable possibility that an amendment could cure the pleading defects.

Chaidez's complaint expresses his dissatisfaction with his representation at the 2002 readiness conference in the underlying criminal proceeding by Johnson, who Chaidez alleges was not licensed to practice law. For example, the complaint states at page 15: "No judge has yet enforced guarantee of truth. [¶] There's a jury trial of 12 'enforcers' of my factual truth. Can indeed produce amounts of damaged value by simply doing what every judge has refused to do. Correct the injustice by exposing the truth of case SCD M866047. [¶] The fact that every judge's 'decision' that sided against me using and trusting the orders of those signatures with 'Att.' A. Johnson 'imposter.' [¶] As of June 16 2006 each of the orders and rulings and decisions and judgements are all illegally obtained using fraud of extreme felony damages to have me kidnapped and held hostage with no courts help at all ever. Because they all enforced the fraud of the imposter." Chaidez's complaint also states at page 16: "I swear to my gods I'm gonna get a jury of 12 to correct the wrongs that judges refuse to correct. So the damages are as cited and I do promise my oath as a Mexican-American not to be duped by false judges under the guise of truth as shown I still refuse to stop. And now finally exposed the San Diego court

systems truth of there racist violations against Mexicans using 'non' attorneys in order to violate Mexican trust in courts." As already discussed, Chaidez also alleges at page 19 that these defendants, as part of the "San Diego courts system," are involved in a "reign of terror and torture."

The foregoing demonstrates that, as to the Superior Court, Commissioner Berry, Judge Clarke and Judge Hanscom, Chaidez's complaint is premised on allegations that these defendants have improperly and wrongfully exercised their judicial functions.

It is well established in California that judges and commissioners are absolutely immune from civil liability for the exercise of judicial functions, even if their acts are in excess of the jurisdiction of the assignment and are alleged to have been done maliciously or corruptly. (*Regan v. Price* (2005) 131 Cal.App.4th 1491, 1495; *Tagliavia v. County of Los Angeles* (1980) 112 Cal.App.3d 759, 761.) This rule is based on "a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequence to himself." (*Tagliavia, supra*, 112 Cal.App.3d at p. 762, quoting from *Bradley v. Fisher* (1871) 80 U.S. (13 Wall.) 335, 347.) Absolute judicial immunity from a civil action for monetary damages extends to the courts themselves under Government Code section 815.2, subdivision (b), which provides: " Except as otherwise provided by statute, a public entity is not liable for an injury resulting from an act or omission of an employee of the public entity where the employee is immune from liability." Thus, as its judges and commissioners are protected by absolute judicial immunity, so is the Superior Court.

We thus conclude the court properly sustained the Superior Court defendants' demurrer. Because Chaidez has not, and cannot, meet his burden of showing a reasonable possibility that he can amend his complaint to cure the pleading defects, we also conclude the court did not abuse its discretion in denying Chaidez leave to amend the complaint as to these defendants.

III. *STATE DEFENDANTS' DEMURRER*

We also affirm the court's decision to sustain the State defendants' demurrer. The complaint fails to state facts sufficient to constitute a cause of action against these defendants within the meaning of section 430.10(e) because, although Chaidez lists these defendants in an attachment to the complaint, the body of the complaint is devoid of any factual allegations directed against them. We also conclude the complaint is uncertain with respect to the State defendants within the meaning of section 430.10(f) because it fails to clearly state any basis for any liability on the part of these defendants.

Chaidez has not met his burden of showing in what manner he can amend his complaint to state a valid cause of action against the State defendants. In the statement of facts in his opening brief, Chaidez incomprehensibly asserts: "On June 16, 2007 complaint results produce a (4) four year old secret exposed an imposter, fraud as attorney of case # M866047 Court orders of Superior Court of San Diego County. Signatures and contents are all fraudulantly obtain. A Johnson attorney was appointed by the courts and Judge Hanscom and Commissioner Berry, along with District Attorneys Office employees Chanlis and McDonad and all signed orders of authority to send appellant to prison without any records of a conviction. [Citation.] (CDCR) Roberto

Hernandez refuse to obey 1989 orders to release by 1998. (BPT) Carol Williams stated no jurisdiction to interfere in orders by a superior court sent to prison. (CPSA) Santo Sanchez testified it all behind a favor from a judge in Sacramento call CDCR to obtain a favor to hold appellant in San Diego. (CPSA) Santo Sanchez did confess those quoted words to Judge Melinda J. Lasiter in a secret sidebar of case SCD 181666."

In the argument section of his opening brief, Chaidez does not attempt to explain how he can amend his pleading to state a cause of action against any of the State defendants. Chaidez unavailingly maintains that, "([i]n the interest of justice) appellant should be given a fair chance to defend his complaint as by rights and laws."

Accordingly, we conclude the court did not abuse its discretion in denying Chaidez leave to amend his complaint as to the State defendants.⁵

IV. *JUDICIAL COUNCIL'S DEMURRER*

Last, we affirm the court's decision to sustain without leave to amend the Judicial Council's demurrer on the grounds that (1) Chaidez has not, and cannot, alleged any facts that would state a cause of action against the Judicial Council; and (2) Chaidez's alleged claim against the Judicial Council is barred by Government Code section 815. In its demurrer points and authorities, the Judicial Council argued (among other things) that Chaidez's complaint failed to state a cause of action against the Judicial Council because

⁵ In light of our conclusions, we need not address the State defendants' arguments that the court correctly held that Chaidez failed to plead and demonstrate compliance with the Tort Claims Act and that he failed to state any cause of action because the State of California and its codefendant agencies enjoy statutory immunity from suit for personal injury damages.

there was nothing actionable about the Judicial Council's alleged appointment of Judge Hanscom, who presided over Chaidez's arraignment hearing, or its alleged refusal to satisfactorily respond to Chaidez's complaint against Judge Hanscom, and Chaidez claim was barred by Government Code section 815, subdivision (a).⁶ In his opening brief on appeal, Chaidez makes no attempt to show, with citations to authority, that the court's findings were erroneous, nor does he attempt to show how he can amend his pleading to state a valid cause of action against the Judicial Council.

DISPOSITION

The judgment is affirmed. Defendants to recover costs on appeal.

NARES, Acting P. J.

WE CONCUR:

McINTYRE, J.

O'ROURKE, J.

⁶ Government Code section 815, subdivision (a) provides: " Except as otherwise provided by statute: [¶] (a) A public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person."